IN THE HIGH COURT OF JUDICATURE AT BOMBAY
NAGPUR BENCH, NAGPUR

WRIT PETITION No. 1460 OF 2007

Vidarbha Vikas Seva Prathishthan
v.
St. of Mah. & anr.

Office Notes, Office Memoranda of Coram appearances, Court's orders or directions and Registrar's orders	Court's or Judge's orders

Mr.S.D.Chopde Advocate for the Petitioner.
Mr.Anoop Parihar A.G.P. for Respdts.

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CORAM: A.B. CHAUDHARI, J.
DATED : 29h OCTOBER, 2007.

Heard learned counsel for the petitioner.

What is under challenge is an order made by the trial Court allowing the written statement to be filed by the Government of Maharashtra, though late by about two years.

2. The learned counsel for petitioner argued that the State of Maharashtra as a litigant cannot be treated differently than a private litigant and the trial Court ought not to have given uncalled for exemption to the

respondents in filing the written statement. He then pointed out that no exceptional circumstances were made out in the application for permission to file written statement.

3. Mr.Parihar, learned A.G.P., argued that the reasons furnished in the application were that the District Government Pleader could not get the relevant papers from the concerned office at earlier point of time and that was the reason for delay in filing written statement.

4. Having heard the learned counsel for rival parties and having gone through the application for permission to file written statement so also the impugned order, I am satisfied that no case for interference is made out. Admittedly, the amended provision of Civil Procedure Code regarding filing of written statement has been held to be directory. In view of that matter, the trial Court has

exercised the jurisdiction. The reasons stated in the application are exceptional in nature and, therefore, it has allowed filing of written statement. In my opinion, the petitioner cannot be prejudiced in any manner whatsoever and, on the contrary, the respondents would have got prejudiced if they were not allowed to defend the suit effectively. In view of this, I decline to interfere in writ jurisdiction. The writ petition is dismissed. No order as to costs.

JUDGE

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